

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Mark A. Auxier,	:	
	:	
Plaintiff	:	Case No. 2:07-cv-01271
	:	
v.	:	Judge Marbley
	:	
Michael J. Astrue,	:	Magistrate Judge
Commissioner of Social Security,	:	
	:	
Defendant	:	
	:	

**ORDER**

This matter is before the Court on Magistrate Judge Abel's January 5, 2009 Report and Recommendation that this case be remanded to the Commissioner to consider whether plaintiff Auxier meets or equals Listing 2.07. No objections have been filed to the Report and Recommendation. The Court, having reviewed the record *de novo*, in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), **ADOPTS** the Report and Recommendation. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** remanding this case to the Commissioner to consider whether plaintiff Auxier meets or equals Listing 2.07.

s/ Algenon L. Marbley  
Algenon L. Marbley, Judge  
United States District Court